

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
2017 JUDICIAL BRANCH ANNUAL REPORT**

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I. WELCOME AND INTRODUCTORY LETTER



May 9, 2018

Aanii Tribal Citizens:

It is my pleasure to provide a report to the citizens of the Little Traverse Bay Bands of Odawa Indians on the work of the LTBB Tribal Court. The remainder of this report will document the work of the Court; however, I feel it is important to take this opportunity to share the vision of the Court for the future.

This has been an exciting year for the Tribal Court as we consider how the Court can change to better meet the needs of our community. Tribal Court does its best to use our current system to reunite struggling families. But ultimately, our current child welfare system follows the typical western, punitive model. We believe there is a better way. We believe we can create a child welfare court that focuses on supporting struggling families rather than punishing them. We want to create a system that addresses the most common problems that lead to the opening of an abuse and neglect case: homelessness or near homelessness, unemployment or underemployment, transportation barriers, and substance abuse.

Our Tribal Council agrees and asked the Court to look for opportunities to expand the role of restorative justice in Tribal Court. To that end, Tribal Court has partnered with the following to apply for a grant that would completely reshape our child welfare system: Tribal Council, LTBB Behavioral Health, the Child Welfare Commission, LTBB Department of Human Services, LTBB Youth Services, LTBB Housing, LTBB Law Enforcement and other departments within the Executive Branch. The team identified a grant that would provide resources to implement a family treatment court. Family treatment courts follow the restorative justice model by balancing accountability with support for struggling families. Removal and termination of parental rights is a last resort. Family treatment courts work with families to solve the underlying causes of abuse and neglect. Tribal Court and the team made its application for the grant this past April. We hope to hear by September 2018 whether we are one of the awardees.

Another discussion Tribal Court has continued to have with Tribal Council is the need for services and support for Tribal citizens dealing with chronic mental illness. Too often people with severe chronic mental illnesses have no access to the treatment and resources that they desperately need. When people with severe chronic mental illnesses cross paths with law enforcement, the system is often at a loss to adequately respond. With no other option, the

system often resorts to incarcerating mentally ill people in order to protect society and the individual. We believe this is unacceptable. Currently, Tribal Court lacks the expertise and resources to appropriately assist people with severe chronic mental illness. We want that to change. Therefore, we are at the beginning stages of researching grants that would allow our Tribal Court to receive the education and resources necessary to operate a mental health court.

Mental health courts were first established in Michigan in the late 2000s. Mental health courts have reported successful management of individuals with severe chronic mental illnesses. A State Court Administrative Office (“SCAO”) report documents that 46% of participants successfully completed the program. Of those that completed the program, 36% improved their employment status, 47% improved their educational level, 95% improved their quality of life, 97% improved their mental health, and 84% were compliant with medication. Additionally, mental health court participants had a lower recidivism rate 12 months after admission into the program when compared to the comparison group members. The recidivism rate for the mental health court participants was 4% compared to the recidivism rate for the comparison group at 22%. Even more telling, 4 years after admission, mental health court participants convicted of a new offense was 34%, while the comparison group members convicted of a new offense was 59%. This success is too clear to ignore. It will take a great deal of training and work on behalf of the Tribal Court to establish a mental health court. However, if we are lucky enough to receive a grant, we look forward to providing our community an opportunity more in line with the seven grandfathers for the treatment of our people suffering from severe chronic mental illnesses that then commit crimes as a result of their illness.

Serving my community has been a dream of mine since I was young. I grew up in a household struggling with substance abuse. The fact that I was able to break the cycle of addiction made me feel more than just blessed. My gratitude to the Creator instilled in me a sense of responsibility to give back to my community. To have the opportunity to offer help gives my life purpose. I am incredibly grateful to be here and I work tirelessly on behalf of our community. I appreciate the citizens of LTBB for allowing me the opportunity to serve.

Respectfully,

Allie Greenleaf Maldonado
Chief Judge
Little Traverse Bay Bands of Odawa Indians

II. OVERVIEW OF THE JUDICIARY AND THE 2017 ANNUAL REPORT

The Judicial Branch of the Little Traverse Bay Bands of Odawa Indians believes that it is accountable to the citizens of the community. This report serves as a way to share information about the Court, its functions, operations, and activities. Although we only produce this report once a year, we would encourage anyone with questions, comments, or suggestions to contact us at any time.

Contained within this Annual Report is data and information related to the day-to-day operations of the Court, a summary of the services provided, information on the individuals that perform certain tasks and fill specific roles within our Court, an overview of our funding, and materials that can assist those who may wish to utilize our services.

First, a quick overview of the Judiciary, or as it is more commonly referred to, Tribal Court. The LTBB Constitution created a Tribal Judiciary as a separate branch of government composed of a court of general jurisdiction, called Tribal Court, and an appellate court, called Tribal Appellate Court. The jurisdiction of the Court is based upon the Tribe's inherent sovereignty, traditional custom, and federal law. The LTBB Courts are an impartial forum where judges apply the law equally to all individuals without regard to the government's position or the weight of public opinion. Focusing on the values of respect, honesty, humility, truth, wisdom, love and courage establishes the baseline for fairness and due process within the Tribe's jurisdiction. Specifically, the Courts decide questions concerning the scope and existence of the Tribe's governmental authority through the interpretation of laws enacted by and through the other two branches of government. In addition, the Court is responsible for protecting the rights of individual citizens and entities that are subject to its jurisdiction by applying the Constitution. Therefore, the mission of the Tribal Court is to uphold the laws of the Tribe by providing a fair and impartial forum for resolving disputes, providing justice, and protecting the public through the fair and rational application of the law.

The Tribal Judiciary is comprised of a chief judge and an associate judge who preside over all civil and criminal matters arising from controversies under the constitution, statutes, and procedures of the Tribe. The Tribal Appellate Court consist of a chief justice and two associate justices that hear appeals of cases originating in Tribal Court. The decisions of the Tribal Appellate Court are final, binding, and cannot be appealed further. The members of the Judiciary are also responsible for establishing rules, policies and the procedures for the Courts.

We appreciate the opportunity to share this information with you and would again welcome your questions, comments, and suggestions at any time. Please contact Court Administrator, Michael Wolf at (231) 242-1461, or by email at mwolf@ltbbodawa-nsn.gov.

III. CURRENT MEMBERS OF THE LTBB JUDICIARY



Chief Judge Honorable Allie Greenleaf Maldonado

Honorable Allie Greenleaf Maldonado is proud to be a citizen of the Little Traverse Bay Bands of Odawa Indians (LTBB) and a member of the Turtle Clan. She was first appointed the Chief Judge of the LTBB Tribal Court in 2012.

Judge Maldonado graduated in the top third of her class from the University of Michigan (UM) Law School. While at UM, she served as a Contributing Editor for the University of Michigan Law Review.

After graduation, Judge Maldonado was selected through the highly competitive Honors Program at the United States Department of Justice (“DOJ”) to become a litigator in the Indian Resources Section of the Environment and Natural Resources Division.

In September of 2002, Judge Maldonado returned home and accepted the position of Assistant General Counsel for LTBB in which she served the Tribe up until her appointment as Chief Judge. As an attorney for the LTBB, she successfully litigated the first case in which the Michigan Court of Appeals overturned the termination of parental rights due to a failure by the State to follow the Indian Child Welfare Act (ICWA). *In re Cole*, unpublished opinion per curiam of the Court of Appeals, issued November 17, 2005 (Docket No. 262918). Judge Maldonado also wrote an amicus brief advocating for “conditional reversal” in ICWA cases, which is the position the Michigan Supreme Court adopted in *In re Morris*, 491 Mich 81, 83; 815 N.W.2d 62 (Docket

Nos. 142759 & 143673, decided May 4, 2012). She also wrote the first draft of the Michigan Indian Family Preservation Act (MIFPA) and provides training on the MIFPA.

Judge Maldonado is a nationally-recognized expert on the Indian Child Welfare Act (ICWA) and the Michigan Indian Family Preservation Act (MIFPA). She has worked extensively with the State Court Administrative Office to bring Michigan into compliance with ICWA and is a frequent trainer and speaker in the areas of ICWA and MIFPA.

In 2014, Judge Maldonado was voted Michigan Lawyer's Weekly Woman of the Year. In addition, she was privileged to be selected as the 2015 Unsung Hero for the State Bar of Michigan Representative Assembly. Moreover, in 2016 she was chosen by Harvard Law School as an honoree for International Women's Day recognizing her as a woman inspiring change for her efforts and mentorship on behalf of Native American students. In 2017, Judge Maldonado was named Michiganiaan of the Year by Detroit News.

During her time as Chief Judge, Judge Maldonado has overseen implementation of federal grants for tribal substance abuse courts and specialized domestic violence courts. She has facilitated the use of data-driven assessments to improve the quality of services provided by the LTBB Tribal Court.

Judge Maldonado and her husband Jay are the proud parents of two wonderful children.



Associate Judge John J. Lemire

Judge Lemire is an enrolled member of the Grand Portage Band, Minnesota Chippewa. His father was a dislocated "boarding school" Indian ending up in Michigan.

He is a retired Family Court Referee, having served the 3rd Circuit Court in Wayne County for more than 25 years. He has been a Court appointed Mediator/Arbitrator since his retirement. Judge Lemire has been involved in Indian law and welfare for decades. He has served as a Board member and Vice Chair of Michigan Indian Legal Services for over thirty years until his appointment to the Tribal Court. He is currently Chairperson of the Board of American Indian

Health and Family Services of Southeastern Michigan. AIHFS is a medical and behavioral health clinic in Detroit funded by the Indian Health Service and other grants that assists urban Indians. He has participated in programs to assist Native American Law students and served other Michigan tribes in various legal capacities. He is past Chair of the American Indian Law Section of the State Bar.

In his legal career, Judge Lemire has served as a Referee for the Michigan Civil Rights Commission, as a chair panelist of the Attorney Discipline Board, and as an Assemblyperson for the State Bar of Michigan.

On a personal level, Judge Lemire is an Army Veteran of Vietnam and has been happily married for many years to his wife Marlene with two grown children. Even with all of the above accomplishments, he considers his appointment to the Tribal Court the highlight of his career.



Chief Justice Sean E. Cahill

Justice Cahill was first appointed and sworn in on December 21, 2015 to complete the six-year term vacated when Catherine Castagne was appointed as LTBB's Prosecutor. Justice Cahill was re-appointed in April of 2017 and upon the vacancy left by the Hon. Wenona Singel's departure became Chief Justice.

Justice Cahill is a citizen of the Little Traverse Bay Bands of Odawa Indians. Justice Cahill is Assistant General Counsel for the Grand Traverse Band of Ottawa and Chippewa Indians and previously represented the Tribal Council of the Little River Band of Ottawa Indians.

Justice Cahill graduated from the University of Michigan with a B.S. in Sociology and in Brain, Behavior and Cognitive Science. In 2011, he received his J.D. from the Sandra Day O'Connor School of Law at Arizona State University, where he participated as a member of the Indian Legal Program, represented tribal clients in the Indian Law Clinic, and served two years on the executive board of the Native American Law Students Association. While in law school, Justice

Cahill worked for the Senate Committee on Indian Affairs, the law firm Fredericks, Peebles & Morgan, and the Maricopa Superior County Court. He is admitted to practice in Michigan and in a number of tribal courts.



Justice William Denemy

Justice Denemy was appointed Justice to the Appellate Court on September 12, 2014.

Justice Denemy grew up in the Charlevoix and Petoskey area. He left the area to serve a thirty-three-year career with the Michigan State Police. He then took a position with the Central Montcalm Public Schools as Transportation Director and Grounds Supervisor. After retirement, he moved back to the Petoskey area to serve his tribe and was employed by the Little Traverse Bay Bands in the following positions: the Gaming Administration, the Gaming Board of Directors, four years as the Tribal Vice-Chairperson, and then he was employed by the Tribal Drug Court for a period of time prior to being appointed as a Justice on the Appellate Court.



Justice Frank Ettawageshik

Justice Ettawageshik is the newest member of the LTBB Judiciary, having been appointed and sworn in on February 9, 2018.

Justice Ettawageshik is a citizen of the Little Traverse Bay Bands of Odawa and lives in Harbor Springs, Michigan, with his wife Rochelle. He has four adult children and six grandchildren. He is a traditional storyteller and potter, believing that native people need to be rooted in their traditions in order to be prepared for the future.

Justice Ettawageshik served in tribal elected office for sixteen years, fourteen as the Tribal Chairman. During his tenure as Tribal Chairman he was instrumental in the adoption of the Tribal and First Nations Great Lakes Water Accord in 2004 and the United League of Indigenous Nations Treaty in 2007. Now serving as the Executive Director of the United Tribes of Michigan, he is also the Chairman of the United League of Indigenous Nations Governing Board and the Co-chair of the National Congress of American Indians Federal Recognition Task Force.

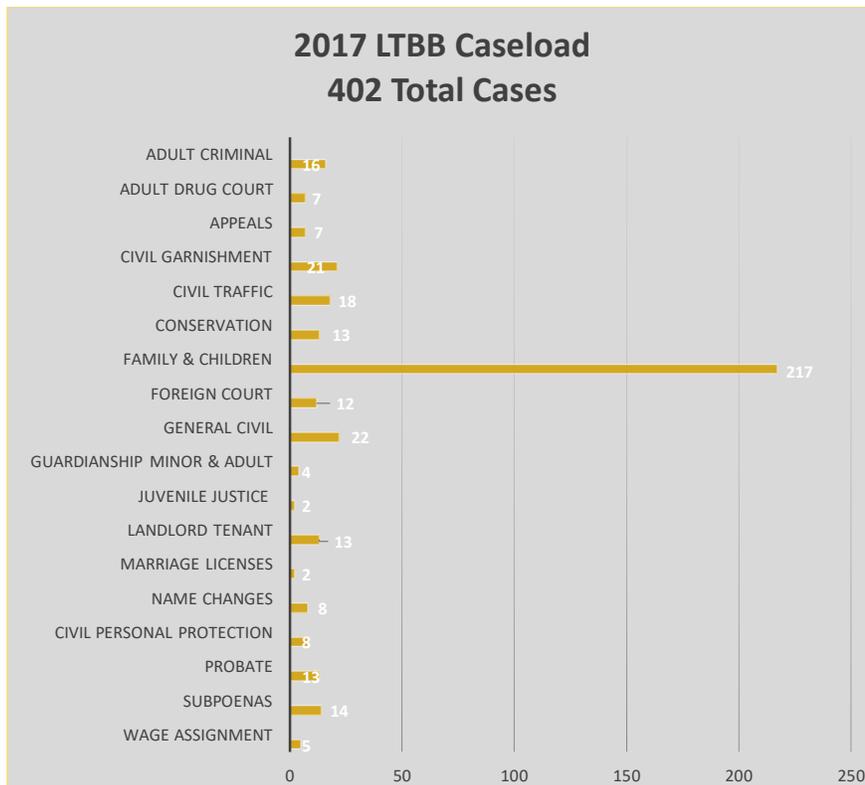
Justice Ettawageshik also currently serves on several non-profit boards including the Association on American Indian Affairs, Anishinaabemowin Teg, and the Michigan Indian Education Council. In April 2016, he was appointed to the Great Lakes Water Quality Board. Frank was a 2010 Fellow at the Native Nations Institute Indigenous Leaders Fellowship Program at the University of Arizona. His 40 years of public service has included serving on the Executive Board of the National Congress of American Indians, the Midwest Alliance of Sovereign Tribes, the Historical Society of Michigan, the Chippewa Ottawa Resource Authority, the Michigan Climate Action Council, the Little Traverse Conservancy, the Michigan Travel Commission, the Public Interest Advisory Group for the International Joint Commission's Upper Great Lakes Study, the Michigan Great Lakes Offshore Wind Council, and the Michigan Ground Water Conservation Advisory Council.

IV. AN OVERVIEW OF RELATED DATA ON COURT ACTIVITY

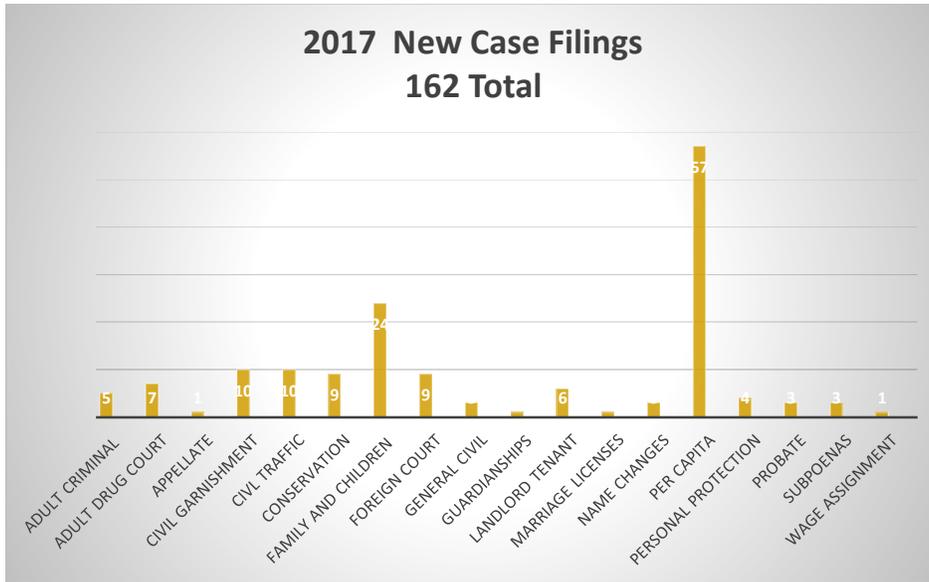
In order to provide perspective and evaluate the Court's operation, we routinely compile data related to its services. The data is used to analyze activity and identify trends. This assists us in planning for programs and anticipating needed resources.

We have compiled the following data to help citizens understand the various work of the Court and to promote the variety of areas in which the community can utilize the services.

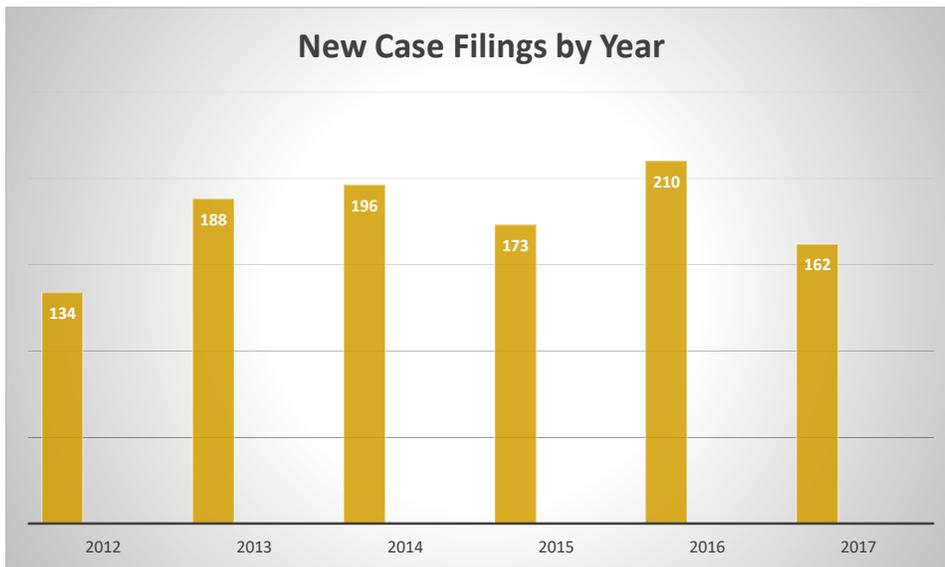
During the 2017 calendar year Tribal Court presided over **402 active cases**. In the graph below, these cases are further broken down into the specific type of cases managed by the Court.



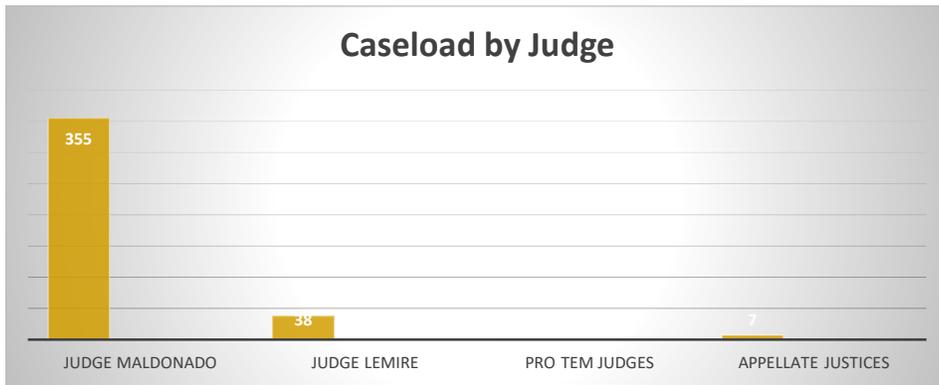
During the 2017 calendar year the Court received and processed **162 new filings**. The following graph shows the numbers and types of cases filed. [\[Can the chart be fixed?\]](#)



Over the last five years, case filings in Tribal Court have been fairly consistent with the average number of new cases filed being **177** annually. The graph below shows the comparison over that period of time.



For all cases that were open and active in 2017, the graph below reflects the assignment of those cases by Judge.



V. STAFF AND OPERATIONAL SUMMARY

The Court in executing its prescribed duties employs seven individuals, not including the appointed members of the Judiciary. Although individual staff duties and responsibilities are unique, each employee is cross-trained to perform and cover other positions within the Court. This ensures the Court is able to function and meet the needs of the community even when someone may not be available.

These individuals are honored to serve the community and take pride in their contributions to the success of the Court in fulfilling its mission.

Court Administrator

Within the Constitution, under Article IX, Section H, 3, it states, “The Tribal Judiciary shall employ an administrator of the Courts and other assistants as may be necessary to aid in the administration of the court of the Little Traverse Bay Bands of Odawa Indians. The administrator shall perform administrative duties assigned by the Judiciary.”

The Court Administrator is responsible for the day-to-day operations of the Court. Directed and supervised by the Chief Judge, the Court Administrator supervises court staff, develops and monitors budgets, administers the various grants, directs the collection and analysis of data, and reviews policies and procedures. Additionally, in order to further the goal of serving the LTBB community, the Court Administrator collaborates with departments in other branches of government and with agencies and individuals in the state court system.

In 2017, the Court Administrator participated in events, seminars, and conferences that provided information and discussion related to the criminal justice system, court operations, and services. These included an Office of Violence Against Women conference highlighting trends in victim and offender services, two meetings of the National Congress of American Indians Inter-Tribal Work Group on Special Domestic Violence Criminal Jurisdiction, the Michigan Association of Treatment Court Providers Annual State Conference, the annual conference of National American Indian Court Judges Association and continued participation with the State of Michigan’s State Court Administrative Offices Court Improvement Program as a member of the Tribal Court Relations Committee.

These trainings and events provide exposure to the review of national standards, emerging trends, and the experiences of other systems. The Court uses this exposure to help us evaluate our existing services and programs and initiate changes that will benefit those we serve. Interactions with subject matter experts provides the opportunity to share thoughts, ideas, and plans that can be further developed to enhance the overall quality of the Court’s operation.

Court Clerks

The Tribal Court's Senior Court Clerk and Court Clerk I are the staff with whom the community is most likely to initially have contact with when utilizing the services of the Court. These individuals have a variety of responsibilities including fulfilling the role of reception at the Court's window and answering calls received on the Court's main phone line. So, if you have visited or called the Court or do so in the future you will surely have the opportunity to interact with these individuals.

Along with the responsibilities outlined above, the Courts Clerks have the primary duty to process all types of cases in regards to existing and new filings. The Court Clerks also have responsibilities and serve in a variety of other ancillary capacities. These include but are not limited to the following:

- Data entry of case-specific information into the Court's database;
- Processing notices and other documents/pleadings for all interested parties;
- Recording an accurate audio recording of all hearings;
- Maintaining the Court's recording equipment;
- Providing case information to Tribal Citizens consistent with statutes;
- Answering questions in regards to Court processes;
- Collecting fines and fees received by the Court;
- Maintaining the Court's docket, calendar, and records;
- Researching and analyzing information specific to active cases;
- Administering annual per-capita garnishments;
- Notarizing documents;
- Processing invoices and contract requisitions;
- Ordering and processing transcripts of specific proceedings;
- Preparing correspondence and other Court documents;
- Processing admission to practice applications and attorney oaths;
- Performance of clerical duties in the office and in the Court room;
- Processing of the Court's Orders;
- Managing case files;
- Communicating with attorneys and parties regarding cases; and
- Providing approved Court forms to those wishing to file cases.

The Tribal Court's Senior Court Clerk and Court Clerk I are invaluable to the Courts operation and success. They serve as liaisons to Tribal Citizens, visitors, various inter-governmental departments, outside agencies, attorneys, and the rest of the general public.

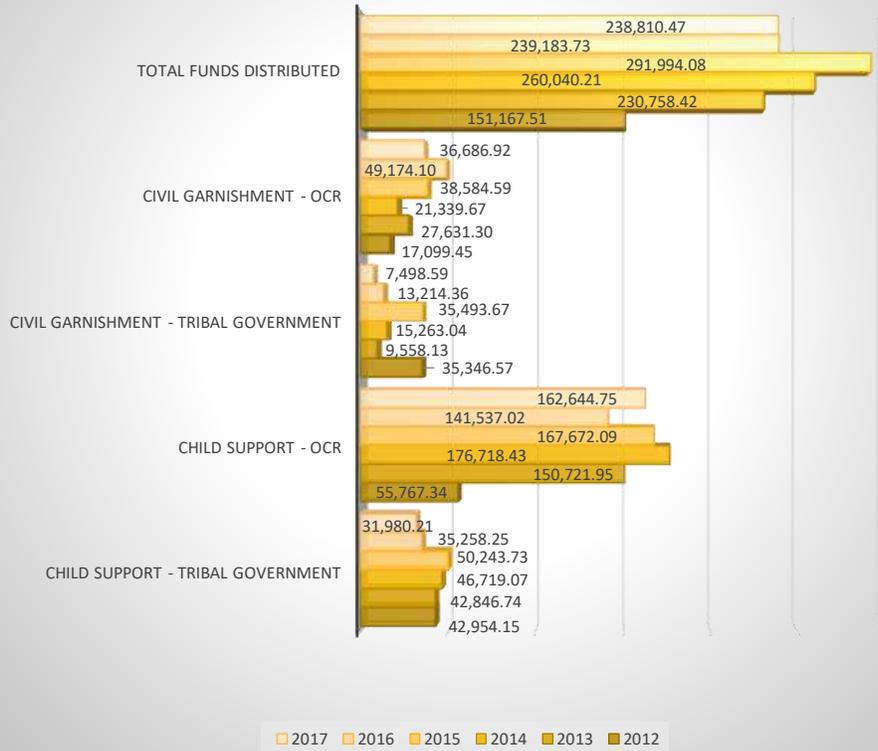
Below are statistics from 2017 that highlight the type and volume of work performed by the Court Clerks.

TYPE OF WORK	QUANTITY
Filings Processed	1,937
Hearings Scheduled	286
Certificates of Service & Other Court Notices	125
Subpoenas Processed	7
Oaths of Office Prepared & Processed	20
Contracts Processed	23
Admission to Practice Applications Processed	46
Warrants Processed	4
Documents Notarized	32
Incoming Phone Calls	836
Outgoing Phone Calls	411

In October 2017, the Senior Court Clerk attended the 2017 NAICJA National Tribal Judicial and Court Personnel Conference in Albuquerque, New Mexico. This was NAICJA's 48th Annual Conference providing quality culturally-appropriate continuing education and training for tribal court judges, peacemakers, and court personnel. This training was especially beneficial because participants learned about new practices and had the opportunity to network and learn from their peers. A Court Clerk Track was offered and attended by the Senior Court Clerk in which she received a **Certificate of Completion of the Court Clerk's Track and Certification Test** taken at the end of the Conference.

The Court Clerks are also responsible for processing the distribution of funds through various types of orders. This graph shows distributed funds by type and compares that activity with previous years.

Funds Collected and Disbursed for Child Support and Civil Garnishments



Administrative Assistant

This position is responsible for filling many of the unique responsibilities that aren't always obvious to the public and that aren't necessarily present or needed on a daily basis but contribute greatly to the Court. This position provides support to every position and program within the Court. The Administrative Assistant's primary responsibilities include:

- Providing clerical support to the Chief Judge and Court Administrator;
- Providing transportation;
- Scheduling, attending, and recording notes and minutes at multiple inter/intra office meetings and events;
- Creating/editing documents and spreadsheets using various software programs;
- Creating/storing of closed Court files into a digital format for archiving;
- Processing purchase orders, check requests, and other documents;
- Processing travel requests and subsequent reports;
- Correlating data and other information for analysis;
- Maintaining Tribal Court's budget overview for analysis; and
- Interfacing with Tribal Departments in the other branches of Tribal Government.

The Administrative Assistant participated in several different events and professional development trainings during the 2017 calendar year. Professional development in the areas of communication, organizational skills, women in the workforce, and the Odawa Culture were covered thus providing an opportunity to enhance existing skills and gain further knowledge contributing to increased efficiency and quality. Participating in these opportunities assists the Court in its goal of providing quality and competent service to the community.

Probation Department

The LTBB Probation Department is comprised of one probation officer who serves as the adult probation officer, juvenile probation officer, LTBB Drug Court Coordinator, and provides courtesy supervision through the LTBB Probation office. The Probation Department works collaboratively with LTBB departments and local state agencies.

The Probation Department provides individualized support to LTBB Court-ordered clients and clients receiving courtesy supervision ordered by other jurisdictions. Probation's primary purpose is to provide supervision, ensure compliance of Court orders, and provide case management. In 2017, Probation supervised **28 cases**.

Adult Probation:

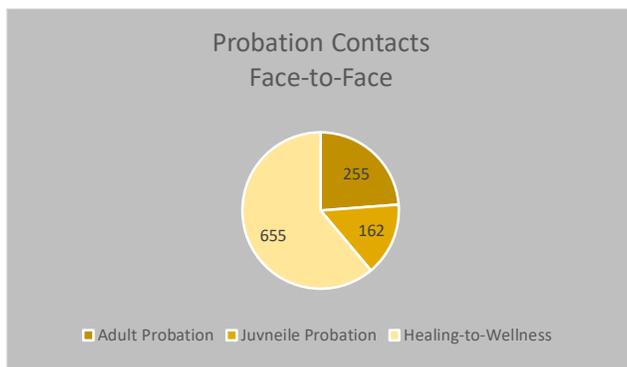
Probation offers an opportunity for those convicted of a crime to remain in the community as opposed to being incarcerated. Probation terms are tailored to the individual's offense and their specific needs allowing them to focus on the issues that created the behaviors leading to their criminal activity. Unlike the State of Michigan Court System, LTBB Tribal Court operates without charging supervision or monitoring fees to clients alleviating further financial burdens that may be a barrier to their success. Areas of assistance that are provided may include but are not limited to the following:

- Referrals for counseling services;
- Referrals for substance abuse assessments;
- Assistance with transportation;
- Support in employment opportunities;
- Support in furthering education; and
- Alcohol and drug testing at no cost for LTBB tribal members.

Juvenile Probation:

The juvenile probation department provides supervision for delinquent youth that need intervention and provides in-home care services that are utilized as an alternative to removing the youth from the home and placing them in detention. Conditions and requirements are designed to address specific needs and provides the youth the ability to improve. Probation has face-to-face contact with juvenile clients, not only in the Court offices but also at their schools and within their homes. Areas of assistance that are provided may include but are not limited to the following:

- Educational support services;
- Assistance with transportation;
- Referrals for individual and family counseling; and
- Providing extracurricular opportunities at no cost to the juvenile or family.



Commented [ARH1]: Can't fix it but juvenile needs to be fixed

Monitoring/Testing Descriptions

Along with these services, the Probation Department provided drug and alcohol screening to individuals under the Court's jurisdiction and others requiring the service. The Court's policy allows any LTBB Tribal Citizen the ability to utilize our testing program free of charge. The Court will also test other individuals who pay the cost of the specific testing. Drug and Alcohol screenings are an essential element in providing services to those involved in the criminal justice system.

Drug Screens

LTBB Tribal Court uses urinalysis to screen clients for the misuse/abuse of drugs and alcohol. All LTBB Court staff are trained on the proper procedures for collecting these specimens. These tests can detect a variety of illicit and prescribed substances along with alcohol or their metabolites. For those individuals under the jurisdiction of the Tribal Court for offenses where substances are deemed to be the primary issue, the Court ensures a truly random testing program. This program provides a system where individuals make one call a day to determine if they have been randomly selected for testing. The system monitors and scores the individual's compliance with the requirements that they refrain from consuming alcohol, illicit, and other abused substances.

Preliminary Breath Test "PBT"

A PBT is a device used to discover the presence/consumption of alcohol. Clients breathe through a straw into the device for a few seconds and the PBT analyzes the breath for alcohol.

Secure Continuous Remote Alcohol Monitoring (SCRAM)

The continuous alcohol monitoring device is worn by individuals that constantly monitors for the presence of alcohol. The SCRAM provides a continuous record throughout each day that Probation can monitor.

SoberLink

This is a portable device that the client keeps with them at all times. The device is paired with the client's cell phone and randomly alerts them to provide a sample of breath for analysis. (Analysis is the same as with the PBT.) The data is then transferred by the cell phone into a software program that is accessed and monitored by Probation.

Global Positioning System (GPS) Tether

The Global Positioning System Tether is designed to track the location and movements of clients. The device will alert Probation if an individual leaves a specified location or enters a specific location. The device will also give real-time data on the location of the individual wearing the unit.

Cultural Resource Advisor

The Cultural Resource Advisor plays a very important role in all services and programs provided by the LTBB Tribal Court. This position is truly a resource contributing to the value and impact of those served by ensuring that the Court's services and programs are sensitive, consistent, and enriched with Anishinabek culture. It is the goal of the Cultural Resource Advisor to guide individuals toward their dreams for a better and healthier life through contact and education of cultural principles and traditions.

One of the roles of the Cultural Resource Advisor is to assist participants of the Waabshki-Miigwan Program to recognize their full potential while working on a sustainable, sober lifestyle. In addition to sharing experiences in recovery, the Cultural Resource Advisor provides teachings, conducts talking circles, mentors and facilitates phase fires, and conducts sweat lodge ceremonies for participants in the program. The Court has consistently heard from participants that these activities are the most impactful and meaningful components during their time spent in the program.

Waabshki-Miigwan Healing-to-Wellness Program

The Waabshki-Miigwan Drug Court Program (WMDCP) was established in 2010 with a mission to implement a partnership among the community, service providers, courts and citizens who face substance abuse challenges leading to repeated criminal justice involvement to provide the opportunity to restore a holistic balance using Odawa values and teachings. Individuals eligible for participation are identified based on referrals from service providers and law enforcement. Many participants in the program are referred from the tri-county area State Courts.

The Seven Grandfather Teachings, Medicine Wheel Teachings, and the White Feather Story are the foundation of the WMDCP. The WMDCP also follows established and proven recovery principles including the "Ten Key Components of Wellness Courts", "the National Association of Treatment Court Providers Best Practices" and the "Twelve Steps" as a guide in the treatment of those involved in the program.

The WMDCP is an eighteen-month structured program that has five phases: the learning level (10 weeks), the accepting level (12 weeks), the willing level (14 weeks), the succeeding level (16 weeks), and the aftercare level (24 weeks). The clients must complete assigned requirements to successfully advance:

- All the projects and assignments as provided with instruction in the WMDCP week-by-week workbook;
- Attendance at all assigned counseling, probation, court, and self-help meetings assigned in the WMDCP week-by-week planner; and

- Compliance with all the WMDCP rules and regulations with an emphasis on maintaining sobriety.

This very structured program provides the opportunity for support and stability that assist participants in achieving the foundation towards meaningful, life changing, long term recovery.

Domestic Violence Court Coordinator

In 2013, the Tribal Court was awarded a Justice for Families Grant from the Office of Violence Against Women (OVW) located within the United States Department of Justice (DOJ). The purpose of the grant was to develop and implement a specialized Domestic Violence Court Docket. In 2014, the Court received a continuation grant to expand the goals and objectives of the project. In 2015, the Domestic Violence Court Docket was established. In 2016, LTBB Court was one of seven tribes to be awarded the DOJ Office of Violence Against Women's Special Domestic Violence Criminal Jurisdiction (SDVCJ) Implementation Grant. This grant provides LTBB the jurisdiction over non-Indian offenders of domestic violence where the victim is an Indian. In 2017, the Domestic Violence Court Coordinator focused on meeting the goals and objectives of the Justice for Families Grant and ensuring policies and procedures are up to date to exercise LTBB's SDVCJ.

In 2017, the Domestic Violence Court Coordinator developed a workgroup to review and make amendments to the Tribal code along with Court rules, policies, and procedures. For example, it is a requirement that non-Indian defendants being charged under special domestic violence criminal jurisdiction be provided a fair trial by an impartial jury that represents a fair cross-section of the community to include non-Indians. Previously, LTBB Tribal Court's jury pool consisted of only enrolled LTBB citizens who met the requirements stated in the jury rules. The workgroup made amendments to the jury rules to include government and casino employees in the pool. This required the Domestic Violence Court Coordinator to work with the Odawa Casino and Resorts Humans Resources Director to ensure that all new employees are provided with a consent form informing them of this rule and their subsequent obligation if summoned.

The Domestic Violence Court Coordinator continued facilitation of the Coordinated Community Response Team. The Team is comprised of representatives of several departments through LTBB's government along with the Women's Resource Center of Northern Michigan. The meetings provided the opportunity for each department to provide an update on their current work and progress in implementing the best practices and policies in regards to victim safety and offender accountability. The Domestic Violence Court Coordinator invited the facilitator of the new batterer's rehabilitation group called H.E.A.L. to present their program to the team. This provided an opportunity for the Team to ask questions to see if this group could be utilized as a service for defendants in our Domestic Violence Court Docket.

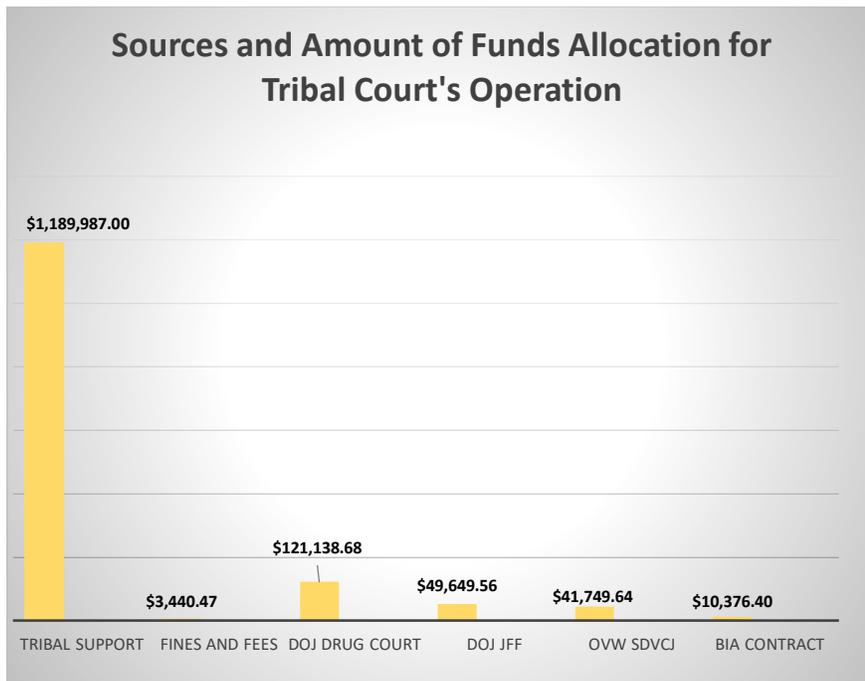
The Domestic Violence Court Coordinator worked with LTBB's Survivor Outreach Services in victim assistance. The Coordinator and the Victim Advocate met with clients seeking personal protection orders and assisted them in filling out a petition and providing them information regarding the court process. The Coordinator and Victim Advocate also worked with clients to create a safety plan designed around their individual needs. As part of the Court's procedures to provide safety and security, the Coordinator ensures that there is a law enforcement officer present at the personal protection order hearing along with other protocols to enhance victim safety.

Domestic Violence Court Coordinator Activities

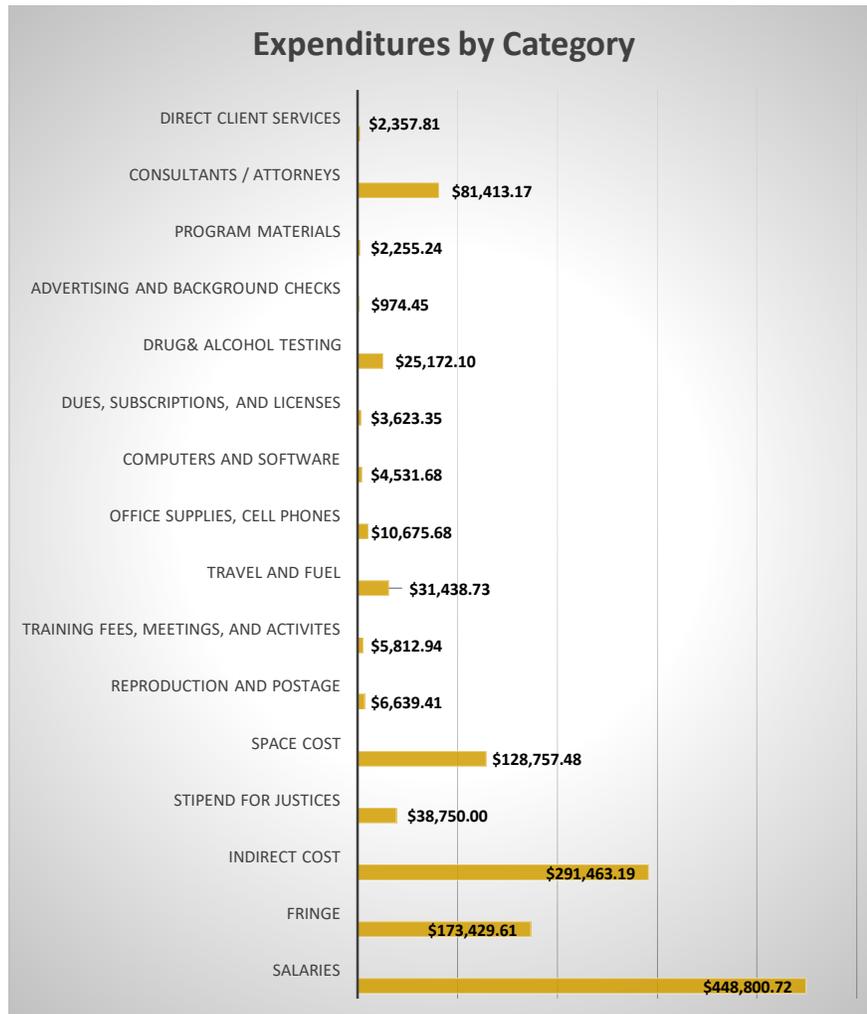
- Participated monthly in project director phone calls;
- Inter-Tribal Working Group (ITWG) member and participated monthly in conference calls;
- VAWA Workgroup team member;
- Participated in Office on Violence Against Women-sponsored technical assistance events;
- Participated in Office of Violence Against Women (OVW) tribal sites conference calls;
- Prepared and submitted grant compliance reports;
- Hosted Coordinated Community Response (CCR) team meetings;
- Maintained ongoing partnership with the Center for Court Innovation;
- Meetings with external project partners at the Women's Resource Center of Northern Michigan (WRCNM);
- Survivor service coordination and assistance;
- Assisted petitioners in filling out personal protection orders;
- Active member of the Resilient and Trauma Informed Community Task Force;
- Planned and prepared a site visit to the Beltrami County Domestic Violence Court in Bemidji, Minnesota attended by the Domestic Violence Court Coordinator, Chief Judge, and Tribal Prosecutor;
- Attended the Mothers of Tradition training;
- Provided training for LTBB Law Enforcement and the LTBB Tribal Prosecutor on Advanced Issues in Intimate Partner Violence; and
- Attended the 9th Annual Inter-Tribal Working Group on special domestic violence criminal jurisdiction with the Court Administrator.

VI. FUNDING AND EXPENDITURES OF THE JUDICIARY IN 2017

The Tribal Court exemplifies the most direct exercise of LTBB's sovereignty. LTBB Tribal Court receives funding from various sources to support its Constitutional responsibilities which include upholding the law, preserving citizen's rights and liberties, along with providing fundamental services to the community that are not received elsewhere. The majority of the Tribal Court's funding comes from the Tribe's General Fund, requested by the Court and approved by Tribal Council. The remaining revenues come from grants, state and federal programs, and fees and fines imposed by the Court. The following graph represents the allocation for funding as approved by Tribal Council and revenues received through grants, fines, and fees. (Allocated funds are those amounts budgeted but not necessarily expended.)



Of the funds allocated to Tribal Court in 2017, expenditures totaled \$1,256,095.56 for the activities and programs as listed in the graph below. (This represents monies actually spent.)



GRANT FUNDING

The Court received funding in specific areas of services as a result of grant awards. During the 2017 calendar year the Court managed three federal grant awards and participated and benefited from the Michigan Child Care Fund. A brief overview and description of these funds outlining their purpose follows.

Department of Justice Bureau of Justice Assistance Drug Court Enhancement Grant

The award of this grant was made in October of 2015 and funded activities related to the Waabshki-Miigwan Healing-to-Wellness Program through the end of 2017. These resources allowed the Court to contract with a local service provider, Bear River Health, for services related to outreach, assessments, and treatment. Contracting these services allowed for outreach that led to referrals and the admission of appropriate participants along with consistent access to care for those involved in this intensive program.

This grant also provided funding for two key positions on the drug court team. First, the grant paid for an attorney to represent the interests and rights of the participants. Second, the funding provided compensation for a graduate of the program to serve on the team providing input from the perspective of someone who has successfully met the challenges of those in recovery. In addition to the above-mentioned positions, the grant funds paid fees associated with the State's Inter-Lock Restricted Driver's License Program. Having the ability to legally drive is very important to participants in not only meeting the requirements of the program but meeting the basic needs in life. Thanks to the enhancements made possible by the Justice Assistance Drug Court Enhancement Grant, Tribal Court provided specialized services recognized as best practices to Tribal citizens.

Office of Violence Against Women Justice for Families Grant

Tribal Court was awarded the Justice for Families (JFF) grant from the Office of Violence against Women (OVW) in 2013 to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking. This grant facilitated the creation of a specialized domestic violence court docket and the development of the Coordinated Community Response (CCR) Team.

This grant provided funding for training for key stakeholders in domestic violence response. Since being awarded the grant, the Domestic Violence Court Coordinator has been able to coordinate in-house trainings along with sending key stakeholders to an assortment of trainings. Training topics included victim and perpetrator behavior, protection orders, domestic violence protocol, batterer's intervention program implementation, and advanced issues in intimate partner violence.

Through this grant Tribal Court was able to provide civil legal assistance and advocacy services for Tribal victims of domestic violence. These cases can range from criminal, custody, divorce, and child welfare in any court. We contracted with attorneys who completed specialized

training related to domestic violence. This program has provided \$24,116 in civil legal assistance services to Tribal victims of domestic violence. This has been a significant service as it has provided attorneys to several victims of domestic violence that would have proceeded pro se.

This grant has allowed the CCR team to develop procedures to ensure victim safety in our court. These procedures include having the petitioner wait and meet with counsel in a separate waiting room from the respondent. Law Enforcement is made available to escort the petitioner into Court and stays for the duration of the proceeding to ensure safety of all involved. The Domestic Violence Court Coordinator ensures that the victim does not attend the hearing alone at their discretion. Support is available between the Domestic Violence Court Coordinator, victim advocates from Survivor Outreach Services, and the victim advocate in the prosecutor's office. At the conclusion of these hearings to ensure that there is no contact between the parties, the Court requires a mandatory waiting period before the respondent is allowed to leave.

LTBB Tribal Court has made a commitment to protect its citizens and provide services for both victims and offenders as domestic violence is not traditional. LTBB is committed to the continued success of the Domestic Violence Court Docket and the implementation of the Special Domestic Violence Court Jurisdiction Project.

Department of Justice Office of Violence Against Women SDVCJ Implementation Grant

The Office on Violence against Women (OVW) issued a solicitation for a grant to Tribal Governments to assist in preparing the infrastructure to exercise Special Domestic Violence Criminal Jurisdiction (SDVCJ). Tribal Court was awarded the Tribal Jurisdiction Grant in October 2016 and was one of only seven tribes in the country to receive the grant.

Native American women suffer domestic violence and dating violence at catastrophic rates disproportionately committed by non-Indian assailants. Prior to the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), if the victim was Indian and the perpetrator was non-Indian, the crime could only be prosecuted federally and not by the tribe. VAWA 2013 authorizes tribes who meet established criteria to exercise special domestic violence criminal jurisdiction over defendants who commit crimes of domestic violence or dating violence or violate protection orders in Indian Country, regardless of their Indian or non-Indian status.

Tribal Court already had a significant amount of the due process requirements in place along with code development. Funding from this grant provided LTBB to implement a workgroup to ensure our code was in compliance with the requirements.

A significant portion of funding is allocated to provide required services to non-Native defendants. The reason for this is to ensure that these potential costs will not burden the

Tribe's General Fund budget designated for Tribal citizens. These significant costs include incarceration costs, medical services when incarcerated, and treatment services.

Through this grant, funding for victims receiving legal assistance will still be available in addition to other culturally-appropriate assistance as requested. Once the numbers are evident, it is anticipated that the Domestic Violence Court Coordinator will implement a culturally-specific Batterer's Intervention Program.

Throughout the duration of this grant, training and collaboration will continue for all key stakeholders to ensure that we are provided the best policies and practices to provide victim safety, offender accountability, and due process rights to anyone involved in our justice system.

State of Michigan Child Care Fund

The State of Michigan's Child Care Fund was established to offset the cost of care associated with the placement of children outside their home for reasons of neglect, abuse, and/or delinquency. With the addition of federal funding, the State has broadened the scope of these programs to include proactive/preventive services designed to keep children in their own homes and with their own families. The program reimburses participating tribes 50% of actual expenditures related to these types of activities.

The program is set up to provide reimbursement of services provided through both the Tribe's Department of Human Services and the Court. The Department of Human Services typically utilizes this grant for costs related to foster care. The Court utilizes this grant to pay for services in delinquency cases.

During the course of 2017, the Court had two cases in which juveniles were found to be in need of supervision where supportive services were provided. These services resulted in expenditures that totaled \$5,885.41. Upon submission of these charges along with supporting documentation, the Tribe was reimbursed \$2,942.71. Although these funds seem minimal, the reimbursement allows the Court to use that funding to provide services to other LTBB citizens in need.

VII. SPECIAL HIGHLIGHTS FROM 2017

A Quick Success Story

If you happened to read the 2016 Judiciary Annual Report or if you have had the opportunity to hear us speak about our programming, you are probably aware that our Court has been authorized to issue orders restoring restricted driving license to those individuals who have had the privilege suspended or revoked due to substance related activities. The Ignition-Interlock System is a device installed on a vehicle that prevents the vehicle from starting if the operator has consumed alcohol. The Court had approached the State in 2014 and worked with them over the next two years to secure this legal authority.

Individuals with access to a driver's license are able to overcome the barriers that the lack of transportation creates. In 2017, we had the opportunity to issue a restricted driver's license to one of our qualified WMDCP participants. Here is what she had to share about the impact this had on her success:

"I am in my last week of drug court and I have had my ignition interlock for 7 months now. The Court has been so helpful in enabling me to drive with a restricted license and assisting in getting everything arranged for my interlock. It has helped me stay sober because my driving privileges are important to me and without this I wouldn't be able to drive at all. I realize that being able to drive has allowed me to accomplish so much. You don't realize how important being able to drive is until you can't. Being able to drive has helped me in my employment, my recovery, and in meeting my basic life needs. The drug court is a great program and with the addition of being able to drive I can do the things that I need to do in my life."

The Court recognizes where some participants were not able to succeed in the program as a result of transportation being an insurmountable barrier. This is why we worked so hard to get this legal authority. Although this may not be the answer to all participants' transportation challenges it can be a great benefit to many. The cost of an Ignition-Interlock system is not insignificant and can be a barrier in itself to those trying to re-establish themselves in the community. The Court has sought and received grant funds to offset these costs for the participants who qualify.

In the process of earning the legal authority to issue restricted driver's license, our program received significant scrutiny and ultimately high praise from the State Court Administrator's Office. Therefore, when the State Court Administrator's Office began requiring Drug Court Certification for all Courts who wish to have the legal authority to return restricted driver's

licenses, LTBB Tribal Court was automatically granted certification based on the scrutiny we already endured. This certification allows us to continue to restore driving privileges for those participating in our intensive programming that qualify under the Michigan driver's license law.

The Detroit News 2017 Michiganians of the Year

Each year The Detroit News invites Michiganians to nominate one of their own for the distinct honor of "Michiganians of the Year" with the following solicitation:

"We live in an era that's hungry for heroes — real ones, not those manufactured by the publicity machine. For all our divisions, Americans, happily, still recognize bonafide heroism. Each new class of Michiganians of the Year reassures us that honor, accomplishment, self-sacrifice and generosity are not on the wane, but very much alive and well in the Great Lakes State. If you would like to submit a nomination, give us a one-page description of why the individual deserves such an honor, and please include your name and telephone number so we can call if we need to find out a little more."

In 2017, Justice Bridget McCormack nominated our own Chief Judge, Allie Greenleaf Maldonado, for this distinguished award. Justice McCormack cited Judge Maldonado's continuing efforts to work with the State Court Administrator's Office to educate social workers, attorneys and judges about the Michigan Indian Family Preservation Act. In addition, Justice McCormack highlighted Judge Maldonado's overall commitment to preserving and protecting the rights of Native families across Michigan as the basis for her nomination. The Detroit News chose Judge Maldonado to receive the honor along with several other impressive nominees including United States Congressional Representatives Debbie Dingle and Fred Upton.



Outreach

Tribal Court's Cultural Resource Advisor, Anthony Davis, was offered **Sema** by Chief Conservation Officer, Kevin Willis, to present the LTBB cultural principles to a graduating class of Michigan DNR cadets on December 1, 2017. Mr. Davis highlighted what a conservation officer may experience in the field with a Tribal Citizen when gathering medicines, hunting, and/or spearfishing. In presenting the practices of traditional people the new conservation officers will be familiar with objects, such as medicine bundles, pipe bundles, and eagle feathers. Becoming familiar with these items and practices better prepares these new officers for interactions with LTBB citizens in the field.

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VIII. CONCLUSION

Each year the Tribal Judiciary and its employees work diligently to provide the highest quality and most efficient service to the Little Traverse Bay Bands Community. We hope that this report provides the community information that outlines our efforts in that endeavor.

As you will see in the attached Appendix we have also taken the opportunity to share with you information related to the use of the Court and would encourage community members to utilize this option should the need arise.

The LTBB Tribal Court appreciates the opportunity to serve the community. We welcome and encourage your questions, feedback, or comments on the services and programs that we provide. Court Administrator, Michael Wolf, can be contacted by email at mwolf@ltbbodawansn.gov, by phone at (231) 242-1461, or at the office located at 911 Spring St. in Petoskey during normal business hours.

APPENDIX

LTBB Tribal Court User Guide

“Where can I find the LTBB Court rules and procedures?”

- The LTBB Court rules and procedures, including the LTBB Criminal Procedures, LTBB Rules of Civil Procedure, and the Recognition and Enforcement of Foreign Court Judgments, can be found on the LTBB Website at <http://www.ltbodawa-nsn.gov/Tribal%20Court/TribalCourtRules.html>

“How do I commence a civil action in Tribal Court?”

- Civil actions begin by filing a civil complaint with the Tribal Court. Once a complaint has been filed, the filing party (or plaintiff) must prepare a summons to be served on the defendant. (See the LTBB Rules of Civil Procedure online for detailed instructions.)

“What’s the difference between a civil action and a criminal action?”

- Criminal actions are punitive enforcement measures initiated primarily by the Tribal Prosecutor, not private citizens, in the name of the People of the Little Traverse Bay Bands of Odawa Indians for violations of criminal law. Criminal law typically allows for the imposition of jail time as a punishment for breaking the law.

On the other hand, civil actions generally involve private disputes between persons or institutions seeking monetary damages or injunctive relief requiring that an individual or organization do or not do something.

“What cases may the Tribal Court hear?”

- The Tribal Court is a court of general jurisdiction and hears all criminal and civil cases arising under the LTBB Constitution, Waganakising Odawa Tribal Code of Law (“WOTCL”), and any other source of applicable law.

“Are there fees associated with filing actions in Tribal Court?”

- Yes. There is a general filing fee of \$25.00. Additionally, motion fees cost \$10.00, jury demand fees cost \$100.00, garnishment fees cost \$15.00, and enforcement of foreign judgment fees cost \$25.00. Please keep in mind, however, that individuals receiving public assistance and other indigent persons may be entitled to a waiver of fees upon request. There is a change in fee for a wedding. Last year the Tribal Judiciary voted to eliminate the fee for a marriage. We love being a part of your special day!

“Do my pleadings have to be formatted in a certain way?”

- Yes. Pursuant to LTBB Rule of Civil Procedure VIII, Section 3, all pleadings must include a heading designating the Tribal Court and a caption designating the parties to the suit and the assigned court rule number, if any. Additionally, all pleadings must be double-spaced with one-inch margins on the left and right sides and two-inch margins on the top and bottom and submitted to the Court on 8.5” x 11” white paper. With the exception of discovery and motions, all pleadings must also be numbered to identify each allegation and shall separately number each paragraph. All affirmative defenses, counterclaims, or cross-claims must be separately set forth and clearly designated as such.

“When are orders of the Tribal Court considered final?”

- Orders of the Tribal Court are considered final when they are signed by the judge. An order is entered when it is filed in the office of the clerk of court.

“What’s the difference between the LTBB Tribal Court and the LTBB Appellate Court?”

- The LTBB Tribal Court is a trial court of general jurisdiction responsible for hearing criminal and civil cases filed under the LTBB Constitution, Waganakising Odawa Tribal Code of Law (“WOTCL”), and any other source of applicable law. It is the court where cases start, where witnesses are heard, where most evidence is presented, and where facts are determined. All Tribal Court cases are heard by a single judge. The Tribal Court is overseen by the Chief Judge of the LTBB.

The LTBB Appellate Court is the court of last resort for the Tribe. It only hears cases that involve appeals from final orders of the Tribal Court. Unlike the Tribal Court, the Appellate Court does not make findings of fact, and is instead concerned only with determining whether the Tribal Court correctly applied the law at issue. Appellate Court cases are heard by a panel of three justices. The Appellate Court is overseen by the Chief Justice Sean Cahill of the LTBB.

“Who is the Tribal Judiciary?”

- The Tribal Court Judiciary consists of the Chief Judge, one Associate Judge, the Appellate Court Chief Justice, and the two Appellate Court Justices.

“Is the Tribal Court under the authority of the Tribal Chairman or Tribal Council?”

- No. The Tribal Court is part of the LTBB Judicial Branch, which is an independent branch of the LTBB government established under Article IX of the LTBB Constitution. Under the LTBB Constitution, no person exercising the powers of any of the other two (2) branches

of government may exercise powers properly belonging to the Judicial Branch of Tribal Government.

- The LTBB Judicial Branch is overseen by the Tribal Judiciary. If you feel that any of the Judges of the Tribal Court or Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207), you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit your complaint to the Court Administrator. The complaint will then go under review by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

“I am unsatisfied with an order of the Tribal Court. What next?”

- All orders of the Tribal Court may be appealed to the Tribal Appellate Court within twenty-eight (28) calendar days after the entry of a final written order of the Tribal Court.

Frequently Asked Questions

“Why is a state court order against me being enforced in Tribal Court?”

- Pursuant to LTBB Court Rule 4.000-4.400, LTBB courts are required to recognize and enforce the judgments of a foreign court if that foreign court recognizes and enforces the judgments of LTBB Courts. In an effort to ensure that Tribal Court judgements and orders may be enforced in state courts, we have a Court rule requiring full faith and credit for state court orders. An individual can challenge a foreign court judgment by demonstrating that:
 - the foreign court lacked personal or subject matter jurisdiction over the individual;
 - the foreign judgment was obtained by fraud, duress or coercion;
 - the foreign judgment is repugnant to the public policy of the LTBB; or
 - the foreign judgment is not final under the laws and procedures of the foreign court.

“When can my per capita check be garnished?”

- Under the authority of the Revenue Allocation Plan (“RAP”) approved by the LTBB Tribal Council and the Bureau of Indian Affairs (“BIA”), per capita checks may only be garnished to provide funds to fulfill child support obligations. Moreover, only LTBB Courts, whether by way of an original action filed in Tribal Court or by an action seeking the enforcement of a foreign judgment in Tribal Court, may formally authorize garnishment of Tribal Citizens’ per capita funds.

“Why do I lose child support payments when my child is placed out of the home due to no fault of my own?”

- Under the Michigan Child Support Formula, child support generally follows custody of the child. That is to say that only parents with physical custody of their children are generally entitled to receive child support payments. The Court understands that such a rule can lead to harsh results for parents, particularly in juvenile justice matters where children may be removed from a parent’s custody due to no fault of the parent. Specifically, as the result of the current rule, parents that have children temporarily removed from their custody lose access to crucial child support funds that were being used to provide safe and sound housing and other essential needs for their children. Recognizing the harsh consequences that the Michigan Child Support Formula places on parents in certain circumstances, and in consideration of the best interests of children,

the Court has proposed that Tribal Council establish a renewable fund to help offset expenses of parents who have lost child support funds as a result of their children being temporarily removed from their custody due to no fault of their own.

“When does the Tribal Court pay for drug screens and monitoring?”

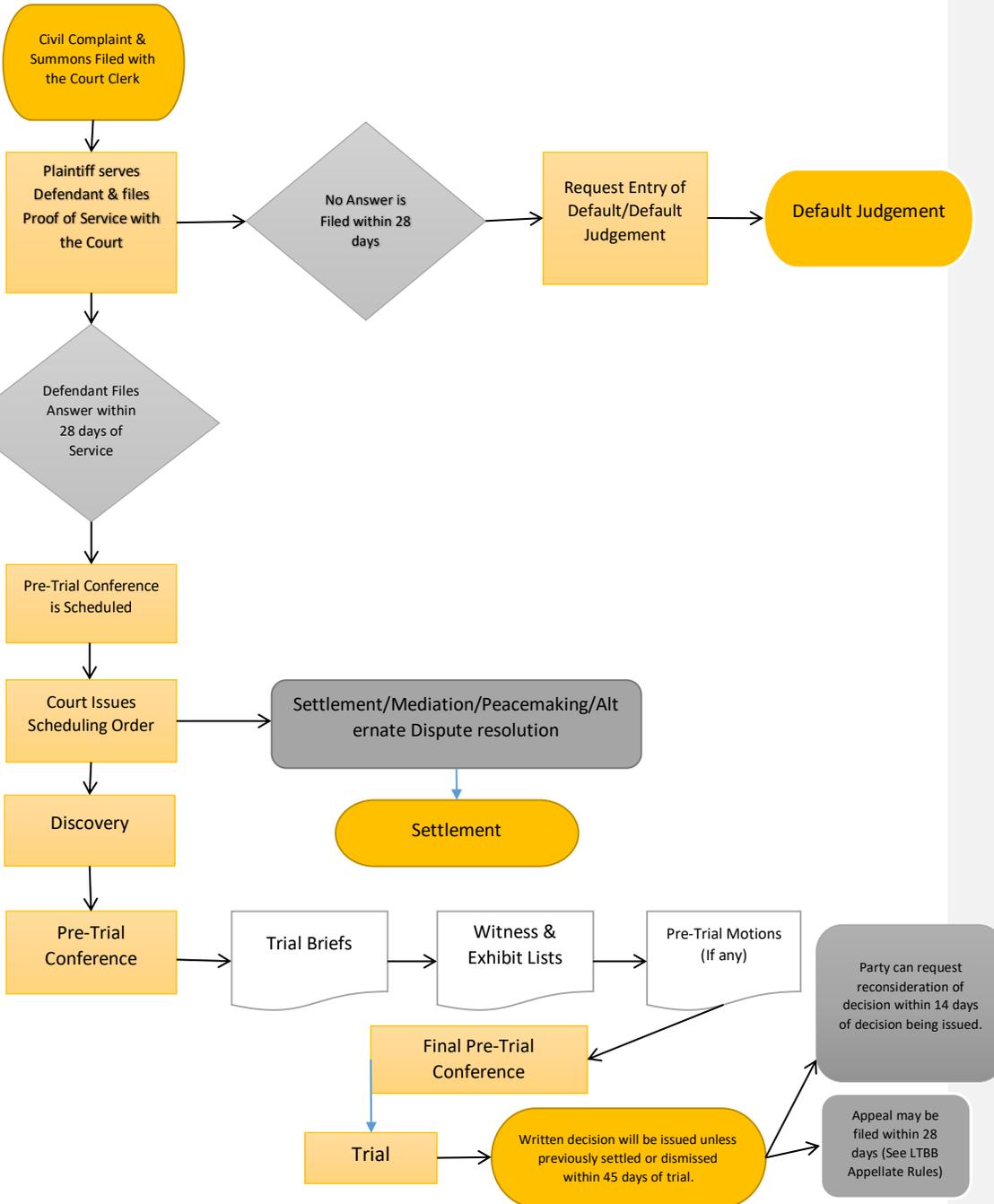
- Drug Screens: Tribal Court will pay for the drug screens of **LTBB Citizens**, upon the presentation of an LTBB Tribal ID Card. Additionally, in order to qualify for payment of drug screens through the Tribal Court, LTBB Citizens must have their drug screens performed at the LTBB Court or by LTBB Law Enforcement and under the supervision of LTBB Court staff or LTBB Law Enforcement staff. Tribal Court does not pay for drug screens of non-LTBB Citizens unless they are under the jurisdiction of the LTBB Tribal Court.
- Monitoring: Tribal Court will pay for monitoring devices to be placed on **any** member of a Federally-recognized Indian tribe (as well as any associated costs) so long as placement occurs as a result of an individual’s involvement in a legal matter in Tribal Court (e.g. drug court).

“Can Tribal Court staff provide me with legal advice?”

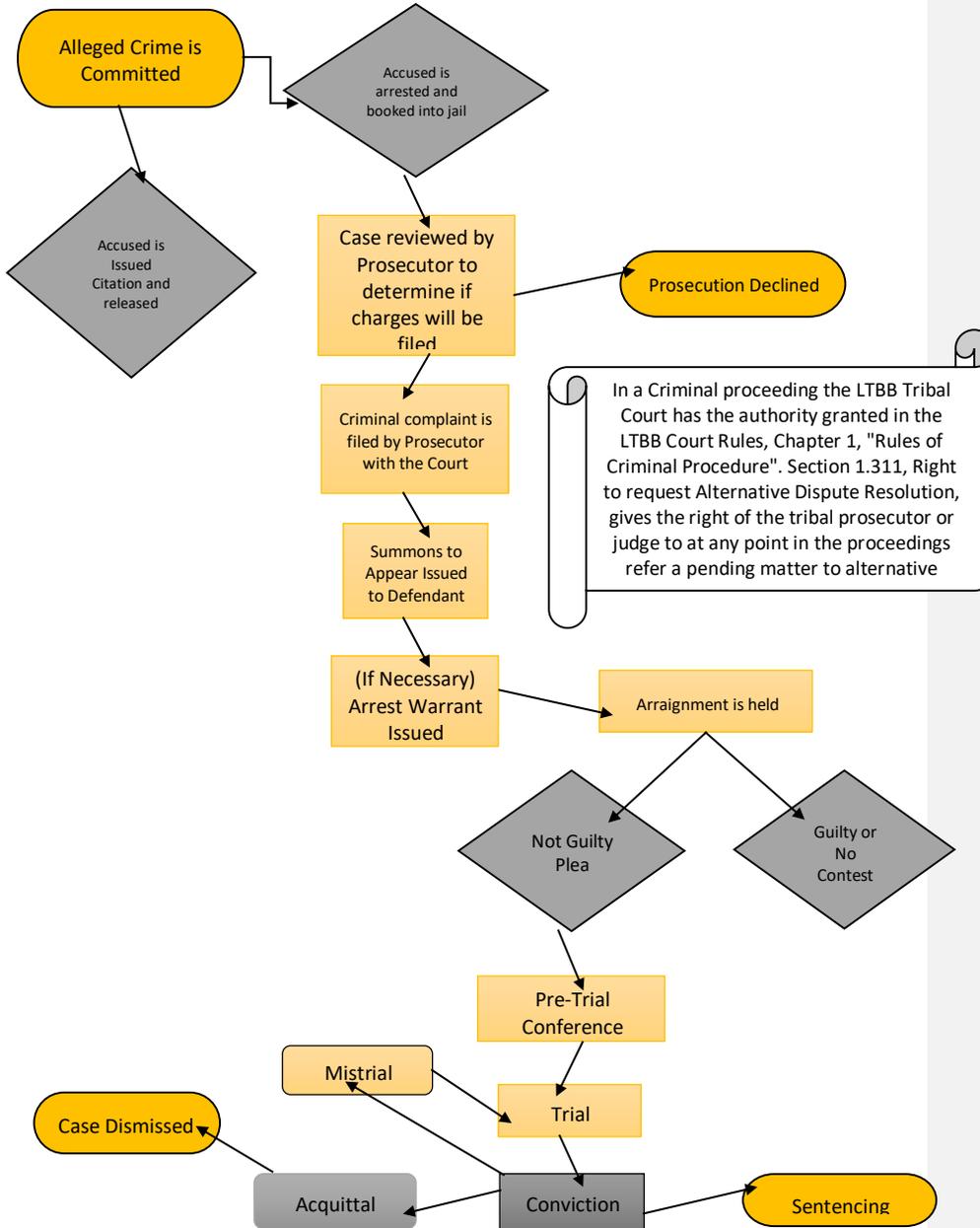
- No. Although Tribal Court staff may provide procedural advice regarding rules, filing fees, and the court process generally, staff are prohibited from providing legal advice to clients due to ethical considerations designed to prevent the creation of conflicts of interest.

Note, however, that Cherie Dominic staffs the Tribe’s Office of Citizen’s Legal Assistance (“OCLA”) located at the LTBB Government Center in Harbor Springs. While the OCLA will be available to assist Tribal Citizens with legal guidance and document drafting, the Office may neither appear in court on behalf of Tribal Citizens nor assist with issues that involve the Tribe.

Civil Case Filing Process Chart



Criminal Case Filing Process Chart



Appellate Court Information

The Tribal Appellate Court has jurisdiction over any case that has initially been heard by the Trial Court. After issuing a decision, order, or final judgment, a party to the action may make appeal to the Court, based on alleged error of law, procedural violation of the Constitution, laws or regulations enacted by Tribal Council, Court Rules, or a clear factual error.

The Appellate Court is made of three Justices, appointed by Tribal Council, and meet as often as circumstances require. Rulings of the Appellate Court are final, binding, and cannot be appealed to the Tribal Council, Tribal Membership, or any jurisdiction.

FREQUENTLY ASKED QUESTIONS OF THE LTBB APPELLATE COURT

The information below is based on the Appellate Court Rules of Procedure and does not constitute legal advice.

“Where can I find the LTBB Appellate Court Procedures?”

- The LTBB Tribal Judiciary adopted on 4/7/2002, Chapter 7 Court Rules, “Appellate Procedures” that provides information regarding the Appellate Court Procedures. They can be found on the LTBB Judicial Website.

“How much time do I have to file my appeal?”

- Unless an alternative timeframe is provided by the LTBB Constitution or Tribal Statute, an appeal to the Tribal Appellate Court in both civil and criminal cases must be filed no later than twenty-eight calendar days after the entry of the final written Tribal Court judgment, order, or decision. (*LTBBRAP 7.401*).

“Who has the right to appeal?”

- (a) In civil cases, any party adversely affected by a decision of the Tribal Court in a civil case may appeal. (b) In criminal cases, the defendant in a criminal case may appeal the judgment or sentence. The prosecution may appeal a decision to the extent it raises a question of law, rather than of fact. (*LTBBRAP 7.303*).

“When reviewing an appeal, what is the scope of the Court’s review?”

- 1. Increase or decrease any sentence in a criminal case;
- 2. Affirm, modify, vacate, set aside or reverse any judgment, order or decision of the Tribal Court;
- 3. Award the costs of the appeal; or
- 4. Remand the case to the Tribal Court and direct entry of an appropriate judgment,

order or decision, or require such further proceedings as may be just and equitable under the circumstances. (*LTBBRAP 7.305*).

“How do I serve my Notice of Appeal?”

- A copy of the Notice of Appeal shall be served on all other parties by the Clerk of the Tribal Appellate Court by first class mail. (*LTBBRAP 7.403*).

“Is there a filing fee?”

- There is a filing fee of \$100.00 when filing a Notice of Appeal. If filing an Enrollment Appeal there is a fee of \$25.00. Please also keep in mind that any motions that may be filed must also be filed with a \$10.00 motion filing fee. (*LTBBRAP 7.404*).

“Upon my filing of my Notice of Appeal does that automatically stay Tribal Court proceedings?”

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- Upon notification of a request for stay, the Clerk will file notice with the Appellate Court prior to the docketing of the Appellate Scheduling Conference. (*LTBBRAP 7.407*).

“What is the Appellate Scheduling Conference for?”

- This is a conference between the Justices of the Appellate Court and the parties to determine need for oral arguments, briefing schedule and requirements, ordering of transcripts, waiver of filing fees and transcript cost, scheduling of motions, requested remedies and defining of issues. This is held on the record and a Scheduling Order will be issued following the conference. (*LTBBRAP 7.408*).

“Does my brief have to be formatted a certain way?”

- Yes. In the Appellate Procedures, Chapter 7, Court Rule 7.410(A) as amended on 10/31/2008, mandates that briefs shall be typewritten, double spaced, on white paper 8 ½ by 11 inches in size. With the exception of the title page, briefs must have typed page numbers on the center of the bottom of each page. No brief shall exceed 50 pages in length. Four copies of each brief shall be submitted to the Appellate Court. (*LTBBRAP 7.410*).

“Are there timeframe guidelines that the Appellate Court uses for efficient process of Appellate Cases?”

- There are guidelines for the administration and review of Appellate Cases, however, the guidelines are subject to modification based on the specific circumstances of individual appeal cases.

1. When a Notice of Appeal is filed with the Appellate Court, the Appellate Court Clerk should aim to prepare copies of the tribal court record and distribute copies of the Notice of Record of Transmittal within fourteen (14) days.
2. The Scheduling Conference should be scheduled for a date within fourteen (14) days of the distribution of the Notice of Record of Transmittal.
3. The following timeline should apply to the briefing schedule for most appeals. Again, if the circumstances warrant this can be modified:
 - a. The Opening Appellate Brief deadline should be twenty-eight (28) days following the date of the Scheduling Conference;
 - b. The Response Brief deadline should be twenty-eight (28) days following the deadline for the Opening Appellate Brief;
 - c. The Reply Brief deadline should be fourteen (14) days following the deadline for the Response Brief.
4. If requested or deemed necessary by the Appellate Court, oral arguments should be scheduled for a date that is within fourteen (14) days following the deadline for the Reply Brief.

TAKE NOTE: These are just guidelines. All timelines are set forth at the Appellate Scheduling Conference between the parties. The Scheduling Order that is issued following the conference will set forth all deadlines in the case on appeal for the parties. The Scheduling Order is a Court Order by the Appellate Court and the timeframes set forth on the order must be followed by the parties.

“Does the Appellate Court have standards for computing time requirements?”

Yes. In the Chapter 7 Appellate Procedures, Rule 7.601, states that in computing the period of time prescribed by these Rules or by any order of the Tribal Appellate Court, the day of the act or event from which the period begins to run is not included. The last day of the period is included, unless it falls on a Saturday, Sunday, or Tribal Holiday. In that event the last day of the period falls on the next regular business day. (*LTBBRAP 7.601*).

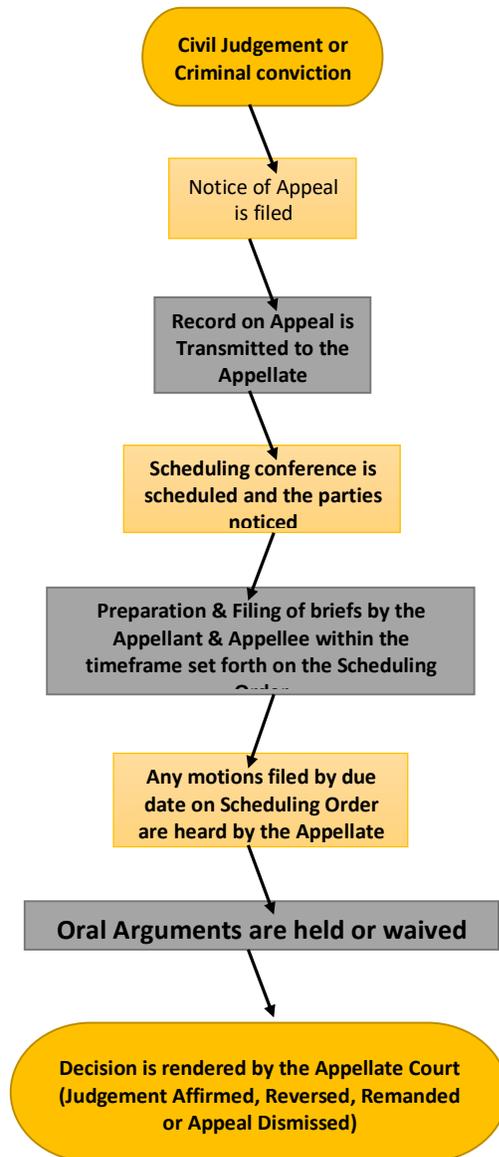
“Who does the Tribal Appellate Court answer to?”

- The Tribal Appellate Court is part of the Tribal Court System. The Judicial Branch of government is an independent branch of government that is constitutionally mandated under Article IX of the LTBB Constitution. The judicial power of the Little Traverse Bay Bands of Odawa Indians shall be vested in the Tribal Court system. Article IX, Section (H)

of the LTBB Constitution mandates Judicial Independence. Subsection (1) Independent Branch of Government. The Judicial Branch shall be independent from the Legislative and Executive branches of the Tribal government and no person exercising the powers of any of the other two (2) branches of government shall exercise powers properly belonging to the Judicial Branch of Tribal Government.

- The head of the Judicial Branch of government is the Tribal Judiciary. If you feel that any of the Justices of the Appellate Court have practiced unethical conduct, as defined by the LTBB Judicial Conduct Court Rules (see JCCR 5.201-5.207) you must fill out and submit a formal complaint using the Judicial Misconduct Complaint Form and submit it to the Court Administrator. The complaint will then be reviewed by the Tribal Judiciary. Judicial Misconduct Complaint Forms can be accessed on the Judicial LTBB Website under Other Court Forms and can also be requested from the Court.

Appellate Case Filing Process Chart



FREQUENTLY ASKED QUESTIONS FOR REINSTATEMENT OF DRIVING PRIVILEGES

“Am I eligible to receive a Sobriety Court restricted license?”

- A Sobriety Court determines whether you are eligible and accepts you into their Sobriety Court program. You may be eligible if you were arrested for an alcohol-related offense on or after Jan 1, 2011, have a prior alcohol conviction(s), and are approved by a Sobriety Court.

“Who can authorize a Sobriety Court restricted license?”

- Only certain courts within the State of Michigan meet the requirements for a Sobriety (DWI) Court. Please visit the [State Court Administrative Office website](#) for specific information.

“If a Sobriety Court approves me for a Sobriety Court restricted license, do I have to mail or bring documentation to a Secretary of State office?”

- The Sobriety Court will notify the Secretary of State directly. If you are eligible and your license has not expired, the Secretary of State will mail the Sobriety Court restricted license to you. You will not need to provide any additional documentation to the Secretary of State.
- However, if your license is expired, you will receive a letter authorizing your renewal at a Secretary of State office. After you have completed the renewal process, the Secretary of State will mail the Sobriety Court restricted license to you.

“How soon can I start driving after the Sobriety Court tells me I have been approved for a Sobriety Court restricted license?”

- You may not drive until the beginning date shown on the Sobriety Court restricted license that you will receive in the mail. The law requires you to serve a minimum of 45 days without a license. The 45-day minimum waiting period starts on the beginning date of the suspension or denial/revocation shown on your Order of Action and driving record.

“Do I need to have an ignition interlock on every car that I own?”

- The law requires you to have an ignition interlock device installed on each vehicle you own or operate.

“Am I allowed to drive to get the ignition interlock installed?”

- Only if your license is not currently suspended, revoked or denied. The Sobriety Court law does not have any special provisions for driving to have the ignition interlock installed.

“Where can I go to have the ignition interlock installed on my vehicle(s)?”

- The Sobriety Court will provide you with a list of currently approved ignition interlock providers

“If I receive a driver license suspension, revocation, or denial after I receive the Sobriety Court restricted license, what happens to my driving privileges?”

- You are not permitted to drive until the new suspension, revocation, or denial is cleared.
- After the suspension, revocation or denial is cleared or terminated, you may resume driving with your Sobriety Court restricted license unless the Sobriety Court has ordered your removal from the Sobriety Court program.

“Am I permitted to drive after I successfully complete the Sobriety Court program?”

- After successful completion of the Sobriety Court program, you will continue with the Sobriety Court restricted license until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“Can I get my Sobriety Court restricted license back if the Sobriety Court removed me from the program?”

- The law does not permit a Sobriety Court to reinstate a Sobriety Court restricted license for the same alcohol offense.

“What happens if I do not successfully complete the Sobriety Court program?”

- If you do not successfully complete the Sobriety Court program, you are subject to all suspensions, revocations, or denials that were in effect before your entrance into the Sobriety Court program.
- You will also be responsible for any unpaid Driver Responsibility Fees that

were not collected while you were in the program.

“If I receive a Sobriety Court restricted license, what happens to my Driver Responsibility Fees?”

- You are still responsible for paying any Driver Responsibility Fees (DRF) based on points and non- alcohol related offenses (e.g. No Proof of Insurance). The Department of Treasury will not actively pursue collection of DRF fees based on alcohol convictions until you are no longer in the program.

“What will show on my driving record while I am under the Sobriety Court restricted license?”

- Your driving record will still show your driving history, including all your tickets, points, suspensions, revocations, and denials. You may request your driving record by fax, phone, or mail.

“Do I have to provide the Secretary of State with proof that I have installed an ignition interlock device on my vehicle(s)?”

- The Sobriety Court will inform the Secretary of State that the ignition interlock device(s) have been installed in the vehicles you own and operate. You do not have to provide any documentation of ignition interlock installation to the Secretary of State.

“Can I have the ignition interlock device(s) removed after I successfully complete the Sobriety Court program?”

- You must keep the ignition interlock device(s) installed until the Administrative Hearings Section of the Michigan Department of State grants full driving privileges.

“If I already have an ignition interlock device(s) installed on my vehicle(s), can I use it?”

- You must contact the Sobriety Court that authorized your Sobriety Court restricted license to determine whether the device(s) is from a state-approved ignition interlock provider and acceptable for their program.

“May I drive for work with my Sobriety Court restricted license?”

- Driving as part of your job (e.g., driving a taxi, school bus, or delivery service) is a violation of the terms of your Sobriety Court restricted license, but driving to and from work is permitted. The Sobriety Court restricted license law does not allow driving “in the course of employment.”

“Where can I drive on my Sobriety Court restricted license?”

- The Sobriety Court restricted license permits you to drive to and from any combination of the following: your residence, your workplace, your school, and an alcohol or drug education or treatment program as ordered by the court. You must carry proof of the destination and hours with your Sobriety Court restricted license.

“Can I obtain a Sobriety Court restricted license if I have a Commercial Driver License (CDL)?”

- A CDL driver may receive a Sobriety Court restricted license but is prohibited by federal and state law from operating a commercial motor vehicle with a restricted license.

“How can I get full driving privileges restored after I successfully complete the Sobriety Court program?”

- You may request a hearing with the Administrative Hearings Section of the Michigan Department of State to restore full driving privileges after the minimum periods for all suspensions, revocations, and denials on your driving record have passed. You may request your driving record by fax, phone, or mail.